

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

MARCUS SEARS

PLAINTIFF

VS.

CIVIL ACTION NO. 5:14-cv-65(DCB)(JCG)

FRANK SHAW, ET AL.

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

This cause is before the Court on Magistrate Judge John C. Gargiulo's Report and Recommendation (**docket entry 47**), to which no objection has been made by the plaintiff.

Magistrate Judge Gargiulo recommends that defendants Warden Frank Shaw, Captain Mary Groom, Unit Manager Erika Perkins, and Major Gabriel Walker's Motion for Summary Judgment (**docket entry 37**) be granted and plaintiff Marcus Sears' Motion for Summary Judgment (**docket entry 44**) be denied. In addition, it is recommended that Sears' Motion for Hearing (**docket entry 41**) be denied. The Report and Recommendation does not recommend a full dismissal of Sears' case at this time, since it appears that Sears exhausted the ARP process as to certain claims.

Accordingly,

IT IS HEREBY ORDERED that Magistrate Judge John C. Gargiulo's Report and Recommendation (**docket entry 47**) is adopted as the findings of this Court;

FURTHER ORDERED that defendants Warden Frank Shaw, Captain Mary Groom, Unit Manager Erika Perkins, and Major Gabriel Walker's

Motion for Summary Judgment (**docket entry 37**) is GRANTED;
FURTHER ORDERED that plaintiff Marcus Sears' Motion for
Summary Judgment (**docket entry 44**) and Motion for Hearing (**docket
entry 41**) are DENIED.

SO ORDERED, this the 17th day of March, 2016.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE